

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MONTERRIOUS HARRIS,

Plaintiff,

v.

**CITY OF MEMPHIS, EMMITT
MARTIN III, DESMOND MILLS, JR.,
JUSTIN SMITH, DEMETRIUS HALEY,
TADARRIUS BEAN, and JOHN DOES 1-
4, INDIVIDUALLY, AND IN THEIR
OFFICIAL THEIR OFFICIAL
CAPACITIES AS CITY OF MEMPHIS
LAW ENFORCEMENT OFFICERS,**

Defendants.

Case No.: 2:23-cv-2058-JTF-tmp

SCHEDULING ORDER

Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1): May 10, 2023

Motions to Join Parties: July 10, 2023

Motions to Amend Pleadings: July 10, 2023

Motions to Dismiss: August 9, 2023

Alternative Dispute Resolution:

(a) ADR Deadline Pursuant to ADR Plan Rule 4.3: January 5, 2024

(b) Selection of Mediator Pursuant to ADR Plan Rule 5.4(c):

1. Mediator name: To Be Determined

2. Stipulation Date: August 9, 2023

**** If the parties fail to agree upon a Mediator by this deadline, the Court shall select a Mediator for the case from the Court's Mediator list and shall issue an Order notifying the parties of the Mediator's identity.**

Completing all Discovery: January 12, 2024

(a) Written Discovery:

1. To be propounded by August 9, 2023
2. Responses to be served by: September 8, 2023

(b) Depositions to be completed by: January 12, 2024

Expert Witness Disclosures (Rule 26):

Disclosure of Plaintiff's Rule 26 Expert Information: November 17, 2023

Disclosure of Defendant's Rule 26 Expert Information: December 15, 2023

Expert Witness Depositions: January 12, 2024

Filing Motions to Exclude Experts/ Daubert Motions: February 12, 2024

Filing Dispositive Motions: February 29, 2024

Joint Proposed Pretrial Order Due: TBD

Pretrial Conference Date: TBD

Jury Trial: TBD. Trial is anticipated to last approximately **four** days.

The parties agree that these dates may need to be changed pending Plaintiff obtaining service on all parties.

The Parties **DO NOT** consent to trial before the Magistrate Judge.

As required by Local Rule 26.1(e), the parties have conferred as to whether they will seek discovery of electronically stored information ("eDiscovery"). The parties generally agree on the scope of the discovery, but have agreed to postpone the exchange of Local Rule 26.1(e) information until no later than thirty (30) days after the Court rules on the pending Motions to Dismiss (ECF Nos. 24 and 39.) The parties will comply with the default standards described in Local Rule 26.1(e) until such time, if ever, the parties reach an agreement and the court approves the parties e-discovery plan.

Pursuant to agreement of the parties, if privileged or protected information is inadvertently produced, the producing party may, by timely notice, assert the privilege or protection and obtain the return of materials without waiver.

Pursuant to Local Rule 16.3(d), within 7 days of completion of ADR, the parties shall file a notice via ECF, confirming that ADR was conducted and indicating whether it was successful or unsuccessful, without disclosing the parties' respective positions at the ADR.

Pursuant to Local Rule 7.2(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall, be accompanied by a proposed order in a word processing format sent to the ECF mailbox of the presiding judge.

Pursuant to Local Rule 7.2(a)(1)(B), the parties are required to consult prior to filing any motion (except motions filed pursuant to Fed. R. Civ. P. 12 56, 59, and 60.)

The opposing party must file a response to any opposed motion. Pursuant to local rule 7.2(a)(2), a party's failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.

Neither party may file an additional reply to any motion, other than a motion filed pursuant to Fed. R. Civ. P. 12(b) or 56, without leave of the court. Pursuant to local rule 7.2(c), if a party believes that reply is necessary, it shall file a motion for leave to file a reply within 7 days of service of the response, setting forth the reasons why a reply is required.

This order has been entered after consultation with the parties. Absent good cause shown, the deadlines set by this order will not be modified or extended.

IT IS SO ORDERED.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE